



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE June 17, 2005 LOCAL EFFECTIVE DATE July 1, 2005 APPROX FINAL EFFECTIVE DATE July 22, 2005	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT Robert and Shirlin Ellis	FILE NO. DRC2004-00180
SUBJECT Request by Robert and Shirlin Ellis for a Minor User Permit/Coastal Development Permit to add a detached 2-story 973 square foot garage with a 572 square foot guesthouse above to an existing 2105 square foot single family home with 708 square foot existing detached workshop/garage. The project will result in the disturbance of approximately 1,156 square feet of a 17,500 square-foot parcel. The applicant is also requesting a waiver of the 50 foot maximum distance requirement between the guesthouse and the principal dwelling. The proposed project is within the residential single family land use category and is located at 2170 Blythe Place in the community of Cambria. The site is in the North Coast planning area (Lodge Hill).			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2004-00180 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption pursuant to CEQA guidelines section 15303 was issued on May 19, 2005 (ED04-526).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Terrestrial Habitat & Local Coastal Program	ASSESSOR PARCEL NUMBER 023-206-043, 023-206-042, 023-206-031	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program & Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Residential Single Family	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission	
TOPOGRAPHY: Slightly sloping (less than 10%)	VEGETATION: Ornamental Vegetation
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: May 13, 2005

PLANNING AREA STANDARDS:

Lot Size: 17,500 square feet
 Triple, Typical
 Oversized lot adjustment:3.33

Slope: approx 2-10 percent
 Number of trees to be removed: 0
 Base: 1,300 sq ft footprint, 2,600 sq ft GSA

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,300 * 3.33=4,329	3,813	OK
GSA (SQUARE FEET)	2,600 * 3.33=8,658	4,385	OK
DECKS (SQUARE FEET)			
PERVIOUS	1,298.7	88	OK
IMPERVIOUS	432.9	0	OK
HEIGHT (FEET)	28	23	OK
SETBACKS (FEET)			
FRONT	10' or 15' (front and rear to total 25')	26'	OK
REAR	10' or 15' (front and rear to total 25')	10'	OK
SIDE	5'	5'	OK
STREET SIDE	10'	N/A	OK

LAND USE ORDINANCE STANDARDS:

Local Coastal Program: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Guesthouse Standards: A guesthouse is a sleeping/home office area that does not have an indoor connection to the principal dwelling and does not contain cooking or laundry facilities. A guesthouse cannot be more than two bedrooms and one bathroom, with only a wet bar with one sink and an under the counter refrigerator. The maximum floor area of a guesthouse shall be 40% of the habitable area of the principal dwelling up to a maximum of 600 square feet. The guesthouse must also be located no more than 50 feet from the primary dwelling (unless a larger distance is approved through Minor Use Permit). The applicant is requesting to waive the 50 foot maximum distance requirement to allow the guesthouse to be approximately 140 feet from the principal dwelling. Staff supports this waiver request because the site is entirely disturbed, there will be no removal of native vegetation, and there is an existing workshop located in between the principal dwelling and the proposed guesthouse/garage. *This project complies with the guesthouse standards except for the distance requirement which staff supports a waiver so the distance will be 140'.*

Terrestrial Habitat: Vegetation that is rare or endangered, or that serves, as habitat for rare or endangered species shall be protected. The Lodge Hill area of Cambria contains a sensitive Monterey Pine Forest, and development proposals are required to protect, enhance, and replace lost trees through development proposals. Development has been sited to minimize disruption of the habitat and native plants. No native vegetation that is the basis of the Terrestrial Habitat designation will be removed with this project.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The applicant has submitted a conditional confirmation letter of water and sewer availability which shows impact fees being paid for the proposed project based upon the condition that all parcels are merged. The parcels (APN 024-034-044, 024-034-050, and 024-034-022) have been merged as a result of the proposed project.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category and there is no area of the site with a slope of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. Trees to be removed will be replaced at a 4 to 1 ratio for Coast Live Oaks and a 2 to 1 ratio for Monterey Pines.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because the project includes tree replacement for all removed pines and oaks.

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: (NCAC March land use meeting) The project seems to violate the regulations in two ways. There is already a guest house shown on the property and the proposed guest house seems to be more than 50 feet from the main dwelling.

AGENCY REVIEW:

Public Works – Recommend approval, need drainage plan, north coast traffic fees due with building permit.

Cambria Community Services District –Only one guest house allowed, no kitchen allowed, guesthouse may not be located more than 50' from principal residence.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matthew Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence with sensitive habitat disturbance.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and is consistent with all of the General Plan policies as conditioned.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed or impacted they will be replaced.

- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if pine trees are removed, they will be replaced on a two-to-one basis. Oak trees will be replaced on a four-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the project or use will be required to replace removed oaks and pines on a four-to-one basis and two-to-one basis respectively.
- M. The project or use will not significantly disrupt the habitat, because it is a single-family residence with minimal site disturbance.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of a detached 2-story 973 square foot garage with a 572 square foot guesthouse above to an existing 2105 square foot single family home with 708 square foot existing detached workshop/garage.
2. All permits shall be consistent with the **revised** site plans, floor plans, and elevations showing no fencing higher than 3' within the front setback area of the entire property.

Limitation on Use

3. A guesthouse may contain living area, a maximum of two bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental.

Grading, Drainage, Sedimentation and Erosion Control

4. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
5. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.
6. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control devise or drainage system approved by the County Engineer.
7. Permanent erosion control devises shall be installed prior to or concurrently with on-site grading activities.
8. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
9. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
10. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devises in place.

Fire Safety

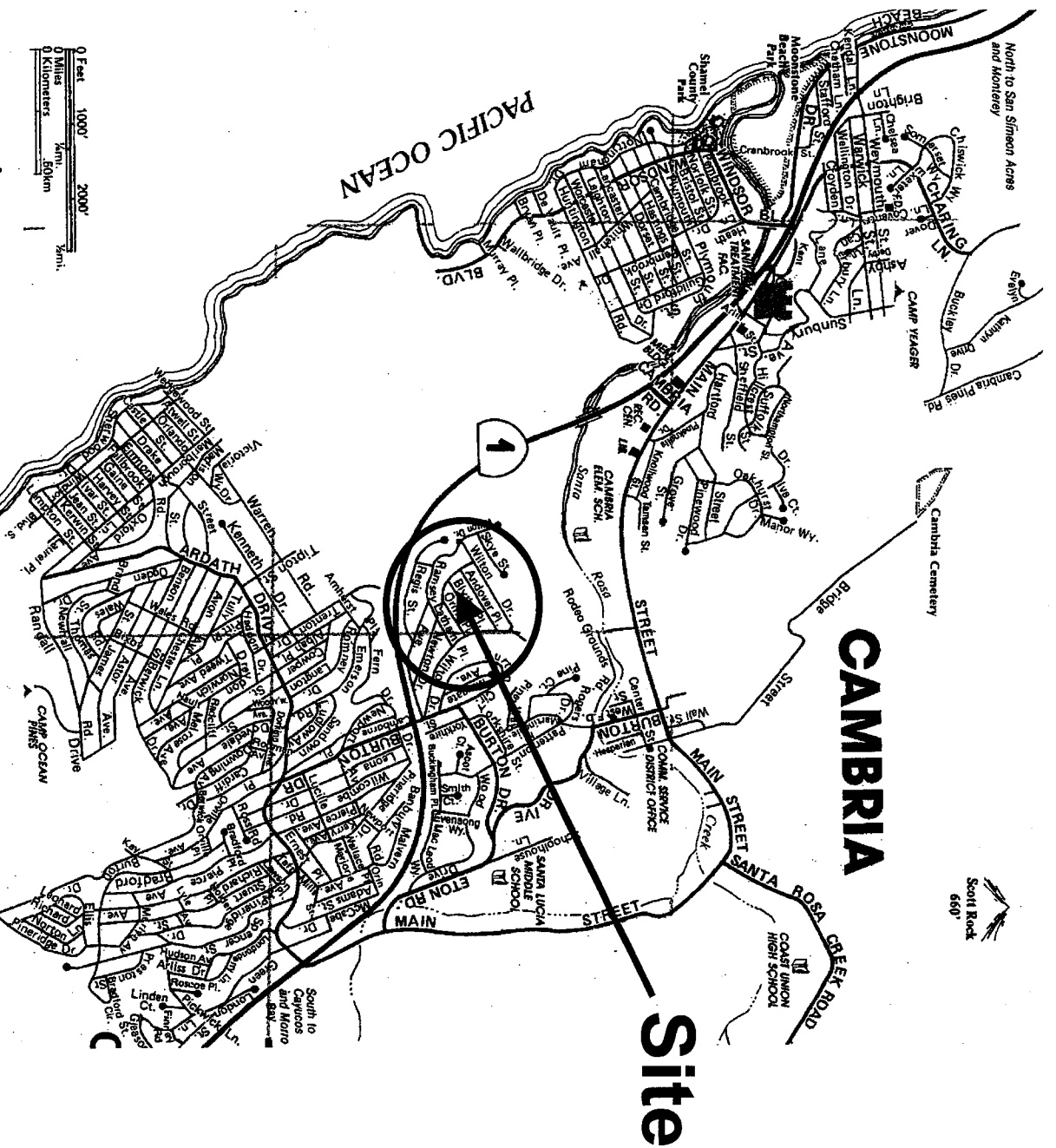
11. **Prior to issuance of construction permits**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
12. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Cambria Community Services District

13. **Prior to issuance of construction permits**, the applicant shall provide a receipt from Cambria Community Services District showing payment of all impact fees for additional water fixtures.

Miscellaneous

14. **Prior to issuance of construction permits**, the applicant shall pay all applicable school and public facilities fees.
15. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
16. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
17. **Prior to final inspection of the new structure**, the applicant shall reduce the height of all fencing within the front setback of the property to be 3 feet maximum to conform with the provisions established in the fencing and screening requirements of Title 23 (23.04.190).



Project

Minor Use Permit

Ellis/ DRC2004-00180



Exhibit

Vicinity Map



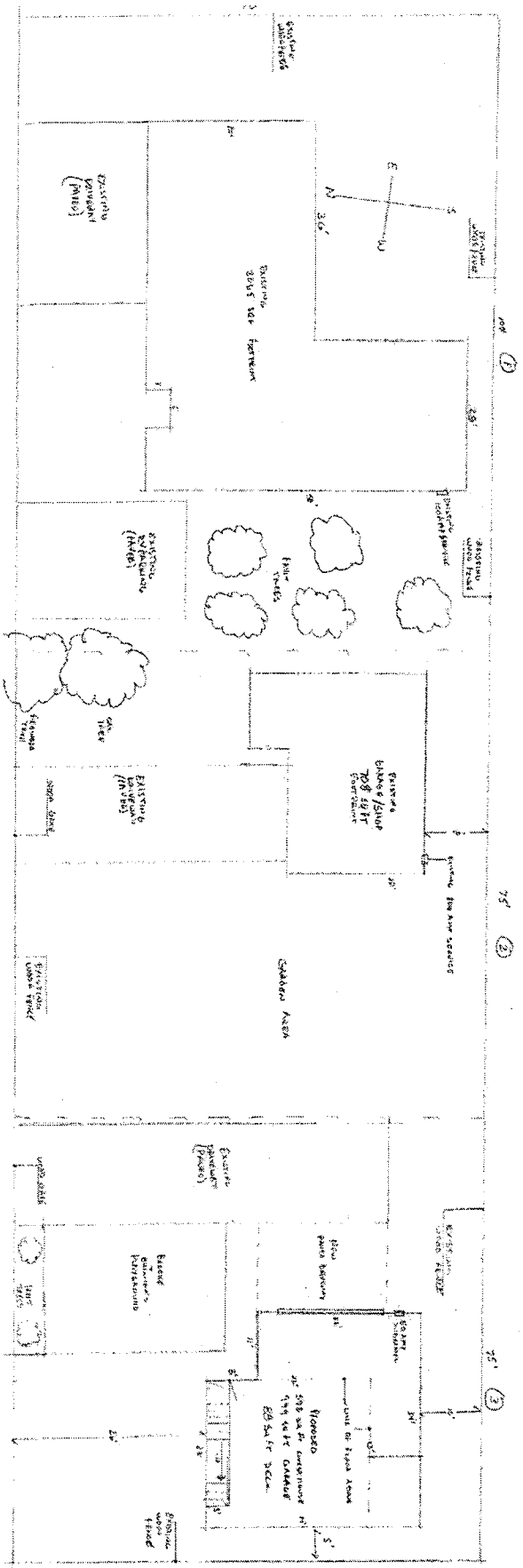
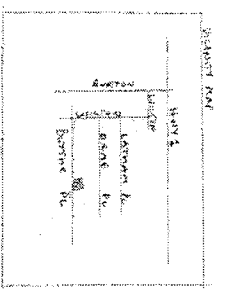
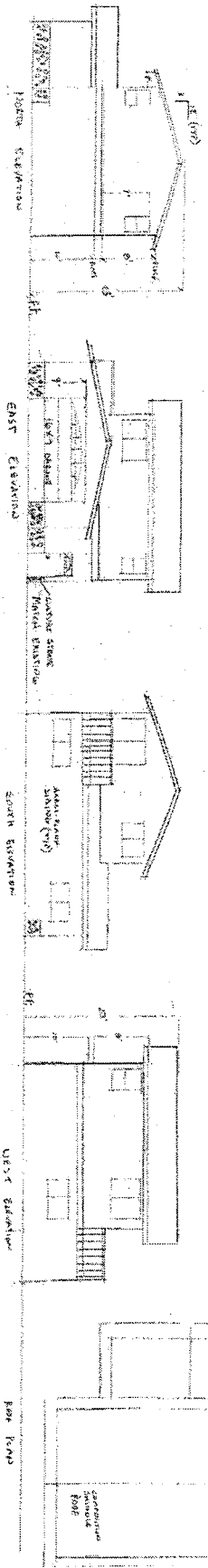
San Luis Obispo Department of Planning & Building

PROJECT SHEET

① APN 023,200,043
② APN 023,200,042
③ APN 023,200,031

SITE AREA 17,500 S.F.

Address: 2110 Avenue H
Croydon, CA 93026



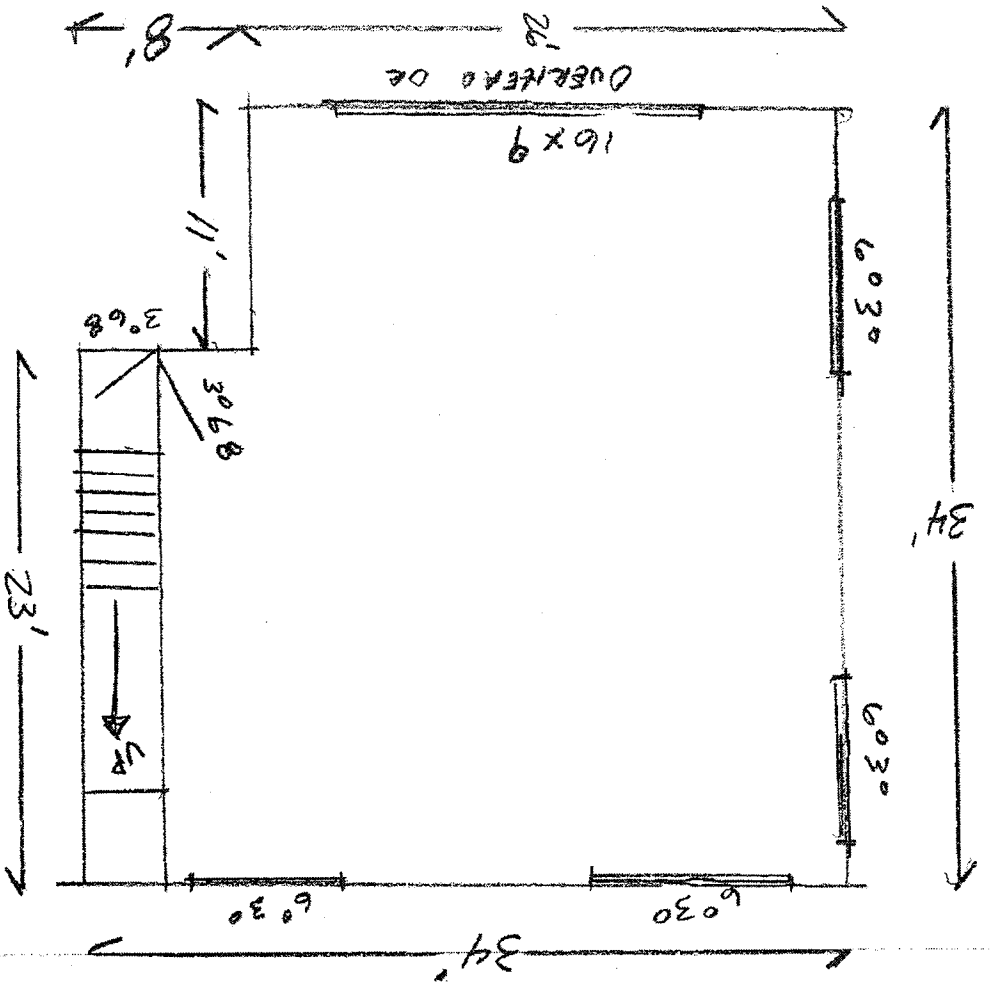
Project

Minor Use Permit
Ellis/ DRC2004-00180



Exhibit

Site Plan and Elevations

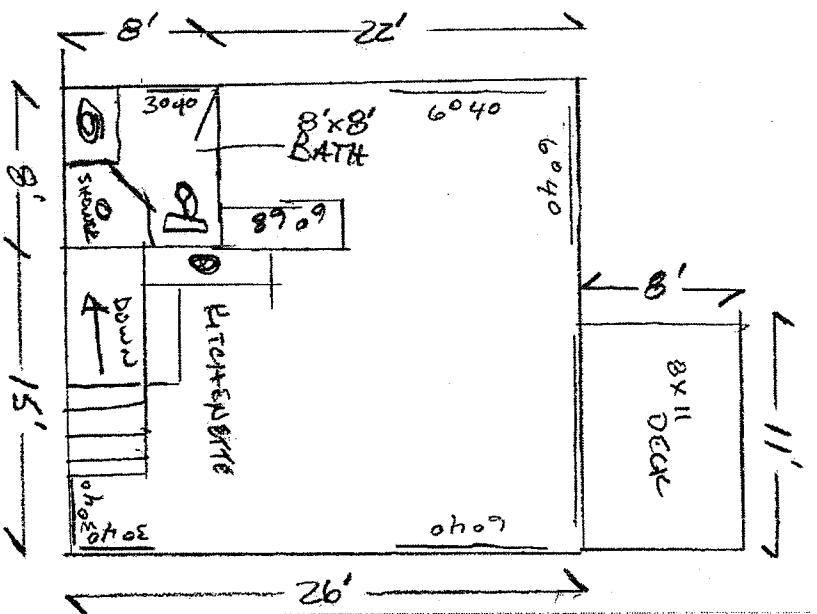


1st floor GARAGE

Project
Minor Use Permit
Ellis/ DRC2004-00180



Exhibit
First Floor Plan



2nd floor Guest House = 23' x 26'
Deck = 8' x 11'

Project

Minor Use Permit
Ellis/ DRC2004-00180



Exhibit

Second Floor Plan